

ASSIGNMENT

THIS ASSIGNMENT effective the 17th day of October 2003 between **PAUL ROSS**, of Graigue, Kilworth, Co. Cork Ireland (hereinafter called "the Inventor") of the first part,

TEAGASC, The Agriculture and Food Development Authority, a Statutory Body Corporate under the Agriculture (Research, Training and Advice) Act, 1998, of 19 Sandymount Avenue, Dublin 4, Ireland of the second part and **UNIVERSITY COLLEGE, CORK – NATIONAL UNIVERSITY OF IRELAND**, a body corporate, incorporated by Royal Charter, of College Road, Cork, Ireland, of the fourth part

WHEREAS the Inventor claims to be the true and first inventor jointly with, William Meaney, Stephen Hallahan and Colin Hill of an invention entitled "USE OF PROBIOTIC BACTERIA IN THE TREATMENT OF INFECTION" and which invention was made by the Inventor out of and in the course of his employment with Teagasc AND WHEREAS the inventor holds the invention and all Patent and other rights and powers obtainable and exercisable in respect thereof in trust for Teagasc AND WHEREAS Teagasc has directed the Inventor to assign to Teagasc and UCC the invention and all rights and interests in the same and all rights and powers to make applications for patents in their own name, or in the name of their nominee, in Ireland and in any other country of the world in respect of the invention, together with all rights and benefits arising therefrom under the International Convention for the Protection of Industrial Property NOW THIS ASSIGNMENT WITNESSETH that in consideration of the sum of € 10 (ten euro) paid by Teagasc to the Inventor (the receipt whereof is hereby acknowledged) and other good and valuable consideration

1. The Inventor hereby assigns to Teagasc and UCC absolutely the invention, any improvements therein or modifications thereof, and any know-how relating thereto together with all rights and interests in the same and all rights and powers to make application for patents in the name of Teagasc and UCC, or in the name of their nominee, in Ireland and in any

other country of the world in respect of the invention or improvements therein or modifications thereof, together with all rights and benefits arising therefrom under the International Convention for the Protection of Industrial Property.

2. The Inventor hereby covenants with Teagasc and UCC as follows:

(i) The he will (so far as necessary) permit and enable Teagasc and UCC to apply for and will take all reasonable steps to assist Teagasc and UCC or their nominee in obtaining the grant of Patent or like protection in respect of the invention hereinbefore assigned in any territory as may be required by Teagasc and UCC.

(ii) That he will at the request and cost of Teagasc and UCC execute and do all such documents acts and things as may be necessary for the purpose of sub-paragraph (i) hereof and for vesting any relevant inventions, applications for Patent, know-how, copyright or design in Teagasc and UCC or its nominee absolutely.

3. The Inventor hereby irrevocable appoints Teagasc and UCC as his attorney in his name to execute and do any document act or thing which may be necessary to comply with the provisions of Clause 2 hereof.

AND IT IS HEREBY CERTIFIED that this instrument is a conveyance or transfer on any occasion, not being a sale or mortgage.

IN WITNESS WHEREOF this Assignment has been executed the day and
year first herein written.

SIGNED, SEALED AND DELIVERED

by **PAUL ROSS**,

Paul Ross

in the presence of

Songrin

Witness

Lynn Fahy

Witness

Executed on behalf of **TEAGASC**

[Signature]

Capacity

Eileen Hehane

Witness

Executed on behalf of **UNIVERSITY COLLEGE, CORK – NATIONAL
UNIVERSITY OF IRELAND**

[Signature]

Capacity

[Signature]

Witness

Declaration

I, Christina Gates, Managing Partner of Tomkins & Company, European Patent Attorneys, make this Declaration.

I am the Patent Attorney responsible for preparing and drafting Irish Patent Application No. 2003/0773 entitled "Use of Probiotic Bacteria in the Treatment of Infection". This is the priority application on which U.S. Patent Application Serial No. 10/576,010, which is the national stage of PCT/ IE2004/000143.

The invention arises out of collaborative research conducted between Teagasc, the Agricultural & Food Development Authority, University College Cork, and a company, Cross VetPharm Limited. At a meeting between representatives of these parties, inventorship of the invention was determined, and a verbal agreement made for assignment of rights between the various parties.

Following that meeting I sent documentation to Cross VetPharm Limited for the attention of Mr. Stephen Hallahan to sign an Assignment document and at the same time sent other documents to his employers. The signed Assignment document was never returned to me, despite a number of reminders.


Subsequently it was decided to file the PCT application and ultimately enter the national stage in the U.S.. In connection with the U.S. application I sent by registered post return receipt requested to Mr. Stephen Hallahan, at his last known business address, a copy of the specification, claims, abstract and figures which had been filed in connection with that U.S. application. His home address is not known to me. I also enclosed a Combined Declaration and Power of Attorney, a general Assignment document, and an Assignment document specific for the U.S., and requested that he sign those documents. The letter, a copy of which is enclosed, was sent by registered post on the 19th of June, 2007. Mr. Hallahan was asked to return the signed documentation to me within twenty-one days.

I have not received a response from Mr. Stephen Hallahan. I attach as Annex 1 an extract of the List of Registered Postal Packages of the Irish Postal Service, An Post, showing that package RR 4578 4601 0IE was sent to Mr. Stephen Hallahan on 19th June 2007. The attached Annex 2 is an extract from the Delivery Record Card of An Post, showing that package RR 4578 4601 0IE was signed for by P_Lawlor at "Cross Vet" on 20th June 2007.

Mr. Hallahan was advised that failure to sign and return the Declaration by the deadline would be construed as a definitive refusal to join in the application papers. At this stage I therefore assume that Mr. Hallahan has now refused to join in the application papers.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardise the validity of the application or any patent issued thereon.

Signed:


Christina Gates, Ph.D.
Managing Partner
Tomkins & Co.

Dated:

27. Seeley 07

TOMKINS

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Stephen Hallahan
c/o Cross VetPharm Group Limited
Broomhill Road
Tallaght
Dublin 24

By Registered Post

Your reference

Our reference

Date

PP060US/MCG/ER

19 June 2007

Dear Sir,

**Re: United States of America Patent Application No. 10/576,010
of Teagasc - National Dairy Products Research Centre**

We enclose herewith a copy of the specification, claims, abstract and figures which were filed in connection with the above U.S. application. We also enclose a Declaration, a general Assignment document and an Assignment document specific for the U.S., all of which should be signed by yourself as inventor. We would be grateful if you would sign the enclosed Declaration and return it to me within 21 days. Failure to sign and return the Declaration by that deadline will be construed as a definitive refusal to join in the application papers.

We look forward to hearing from you.

Yours faithfully,

Christina Gates, Ph.D.
Tomkins & Co.

Michael Kiernan BL Dip Eur Law MITMA** · Michael Shortt BL Dip Eur Law** · Christina Gates PhD** · Simon Gray Dips BBS MITMA** · Cathal Lane BSc(Hons)**

Seamus Doherty Dips** · Sinéad Dunne MSc · Olivia Catesby BSc(Hons)** · Michael Lucey RE(Hons) EPA

Orlaith Reedy BE(Hons)* · Aoife O'Neill BE(Hons) CPA* · Stéphane Ambrosini BA(Hons)*


Consultants: Andrew Parkes MA FITMA** · Peter Shortt BCL Dip Eur Law** · Michael Walsh BE M Eng Sc CEng** · Gerald Nolan*

Financial Controller: David Gardiner BBS FCA · *European Patent Attorney/Chartered Patent Attorney · RTMA · Community Trade Mark Attorney

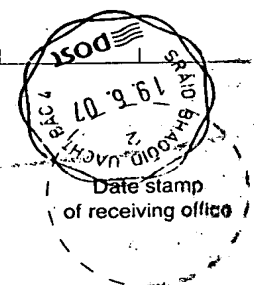
MCG12681

List of Registered
Postal Packets

POST

Customer Reference	Name	Address	Registered Post
1 CUSTOMER REFERENCE RR 4578 4601 OIE	 Stephen Hallahan	Cross vetphaem Group Ltd Broomhill Road, Tullaght Dorlin 24	650 650
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Sender's name _____
 Number of packets received _____
 Signature of receiving officer _____



pp. 01025783 IE.

Delivery date:

Office: 24

Route: Bozholders

This electronic form must be completed carefully



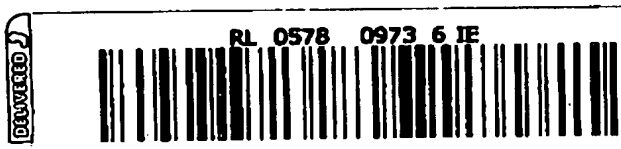
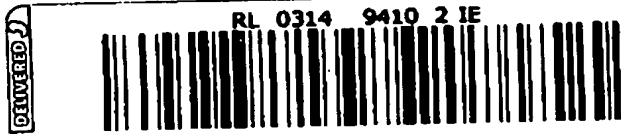
Delivery Status - if undelivered indicate with appropriate number:

2. No answer	5. Not known
3. Refusal	6. Incomplete Address.
4. Gone away	7. Other (please state)

POST

Delivery Record Card

IMPORTANT: Barcode labels must ONLY be placed within the boxes provided.

1		Signature: <u>Rosen Clarke</u>	Delivery Status
		Block Capitals: <u>ABB</u>	Time
2		Signature: <u>[Signature]</u>	Delivery Status
		Block Capitals: <u>apesc.</u>	Time
3		Signature: <u>[Signature]</u>	Delivery Status
		Block Capitals: <u>Spicers</u>	Time
4		Signature: <u>[Signature]</u>	Delivery Status
		Block Capitals: <u>AIB</u>	Time